

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

State of California,

Plaintiff,

No. 2:23-cv-00743-KJM-DB

## ORDER

Phillip Del Rosa, et al.,

## Defendants.

17 On January 24, 2024, the court granted in part and denied in part defendants' motion to  
18 dismiss and granted California leave to amend certain claims. *See Order* (Jan. 24, 2024), ECF  
19 No. 58. Defendants appealed the Order. Notice Interlocutory Appeal (USCA No. 24-00698),  
20 ECF No. 65.<sup>1</sup>

21 Defendants now request the court set a scheduling conference to address the scope of the  
22 automatic stay in place during the pendency of the current appeal before the Ninth Circuit. Mot.,  
23 ECF No. 100. Plaintiff California does not oppose the request to set a scheduling conference but  
24 “does not believe it is proper to address the parties’ dispute over the scope of the automatic stay  
25 effectuated by the pending appeal in a scheduling/status conference.” *Id.* at 2.

<sup>1</sup> Defendants previously moved for a stay pending appeal of this court's preliminary injunction. Mot., ECF No. 73; Notice Appeal (USCA 23-16200), ECF No. 44. The appeal at issue here is a second appeal concerning this court's order on defendants' motion to dismiss. USCA No. 24-00698.

1           The court construes defendants' motion as a request for a stay of the case pending appeal  
2 and understands California's statement to be one of opposition to such a stay. Under Local Rule  
3 230(a), the court orders the parties to brief the matter and sets the following schedule:

4           • Defendants shall file a motion to stay the case pending appeal within fourteen days  
5 of this order;

6           • California shall file its opposition, if any, no later than fourteen days after the  
7 motion is filed.

8           • Defendants shall file their reply, if any, no later than seven days after the  
9 opposition is filed.

10           • The matter is scheduled for hearing before the court on February 13, 2025, at  
11 10:00 AM in Courtroom 3.

12           The schedule shall not be modified except by leave of court upon showing of good cause.  
13 Parties are reminded all motions and filings with the court must follow this district's Local Rules  
14 and this court's standing civil order. Parties are specifically reminded of this court's rules  
15 regarding citations. The basic purpose of a legal citation is to allow the reader to locate a cited  
16 source accurately and efficiently. Cited authority should be relevant to the matter at hand and  
17 identify the source and specific page referenced. Any deviations from these rules may result in  
18 sanctions and the court may refuse to consider those non-compliant filings.

19           IT IS SO ORDERED.

20           DATED: January 8, 2025.



John A. Muller  
SENIOR UNITED STATES DISTRICT JUDGE